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MONTANA LEGISLATIVE HISTORY

Chapter 106 1993

Bill H 58 S _____ Original bill & history ✓ C

H. Committee on Ag & Livestock		S. Committee on Ag & Livestock	
Hearing Date(s) _____	___C	Hearing Date(s) _____	___C
1/5	✓ C	1/27	✓ C
1/12	✓ C	1/29	✓ C
_____	___C	_____	___C
Date Out _____	___C		

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

(4) This section does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

(6) The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than $500."

Section 13. Section 87-3-130, MCA, is amended to read:

"87-3-130. Taking of wildlife to protect persons or livestock. *(1)* ~~Nothing in this~~ *This* chapter may *not* be construed to impose, by implication or otherwise, criminal liability for the taking of wildlife protected by this chapter if ~~such~~ *the* wildlife is molesting, assaulting, killing, or threatening to kill ~~any~~ *a* person or livestock. ~~Any~~ *A* person who so takes ~~any~~ wildlife protected by this chapter shall notify the department within 72 hours.

(2) As used in this section, "livestock" includes ostriches, rheas, and emus."

Section 14. Applicability. [This act] applies to tax years beginning after December 31, 1995.

Approved March 23, 1995

CHAPTER NO. 207

[SB 19]

AN ACT INCLUDING GREYHOUND RACES AS RACES THAT MAY BE SIMULCAST UNDER THE BOARD OF HORSERACING'S AUTHORITY; AMENDING SECTION 23-4-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-4-101, MCA, is amended to read:

"23-4-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of horseracing provided for in 2-15-1881.

(2) "Board of stewards" means a board composed of three stewards who supervise race meets.

(3) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

(4) "Immediate family" means the spouse, parents, children, grandchildren, brothers, or sisters of an official or licensee regulated by this chapter and all other persons who have a permanent or continuous residence in the household of the official or licensee.

(5) "Minor" means a person under 18 years of age.

use of property owned by the federal government ~~the amount of payments which are made in lieu of taxes~~."

Section 3. Section 15-24-1207, MCA, is amended to read:

"15-24-1207. Reporting requirements — rules. (1) Each private person who is a possessor or a beneficial user of tax-exempt property *for industrial, trade, or other business purposes* subject to tax pursuant to 15-24-1203 ~~must~~ *shall*, on or before March 1 each year, file with the department of revenue a statement of the possession or other beneficial use of tax-exempt property in the preceding calendar year and the value ~~thereof~~ *of the property*. The statement must be in the form prescribed by the department and must be verified by the possessor or beneficial user or, in the case of an association or corporation, by an officer of the association or corporation. The statement must include:

(a) the name and address of the person, association, or corporation;

(b) the location of the tax-exempt property; and

(c) the market value in dollars and cents of the tax-exempt property.

(2) The department may adopt any reasonable rules necessary to insure that the possessor or other beneficial user of tax-exempt property complies with the provisions of this part."

Approved March 17, 1993.

CHAPTER NO. 105

[HB 35]

AN ACT ELIMINATING THE PROVISIONS RELATING TO SUFFICIENCY OF PLEADING AND PROOF IN THE CRIMINAL PROSECUTION FOR MUTILATION, DESTRUCTION, OR CONCEALMENT OF HIDES; AND REPEALING SECTION 81-9-424, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Repealer.** Section 81-9-424, MCA, is repealed.

Approved March 18, 1993.

CHAPTER NO. 106

[HB 58]

AN ACT ALLOWING FOR THE KILLING OF A DOG THAT HARASSES LIVESTOCK; PROVIDING A PENALTY; INCREASING THE PENALTY FOR DOGGING LIVESTOCK; AND AMENDING SECTIONS 81-7-401 AND 81-7-403, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs *harassing*, destroying, or injuring stock — notice to owner. *(1) As used in this section, "harasses" means worries, chases, or runs after livestock in a manner that may lead to subsequent injury to the livestock.*

(2) ~~Any~~ *A* dog, whether licensed or not, ~~which~~ *that*, while off the premises owned or under control of its owner *and on property owned, leased, or controlled by the livestock owner*, ~~shall kill, wound, or injure any~~ *harasses, kills, wounds, or injures* livestock not belonging to the ~~master~~ *owner* of ~~such~~ *the* dog ~~shall be deemed to be~~ *is considered* a public nuisance and:

(a) may be killed ~~forthwith~~ *immediately* by ~~any person~~ *the owner of the livestock or an agent or employee of the owner*; or

(b) the owner *of the dog*, when *reasonably* notified *after due process*, shall kill ~~such~~ *the* dog within 24 hours *of notification*~~, and if he~~. *If the owner* fails to do so, an officer may be notified and shall kill *the dog* or cause *the dog* to be killed ~~such dog~~.

(3) A dog may not be killed in a manner that will endanger a person.

(4) ~~Nothing contained herein shall apply~~ *This section does not apply* to ~~any~~ *a* dog ~~acting~~ *herding livestock* under the direction of its ~~master~~ *owner* or the agents or employees of ~~such master~~ *its owner*.

(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner."

Section 2. **Penalty.** The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than $500.

Section 3. Section 81-7-403, MCA, is amended to read:

"81-7-403. Dogging livestock. Any person who permits or directs any dog owned by him or in his possession to chase or run any cattle or other livestock of which he is not the owner or the person in charge upon the open range or government lands or away from any watering place upon the open range is guilty of a misdemeanor and punishable by a fine of not more than ~~$50~~ *$500*."

Approved March 18, 1993.

CHAPTER NO. 107

[HB 93]

AN ACT PROVIDING FOR THE STATUTORY APPROPRIATION OF CERTAIN TREASURY FUNDS TO PAY FOR GENERAL DEPOSITORY BANKING SERVICES AND TO ALLOW THE STATE TREASURER TO REPAY FEDERAL FUNDS AND INTEREST TO THE UNITED STATES TREASURER; AMENDING SECTIONS 17-3-106, 17-6-101, AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

12/30	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/04	FIRST READING		
1/21	HEARING		
1/21	TABLED IN COMMITTEE		

HB 58 INTRODUCED BY KELLER

ALLOW KILLING OF DOG THAT HARASSES LIVESTOCK; PROVIDE ASSOCIATED PENALTIES

12/23	INTRODUCED		
12/30	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/04	FIRST READING		
1/05	HEARING		
1/14	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/18	2ND READING PASSED AS AMENDED	79	19
1/20	3RD READING PASSED	79	20
	TRANSMITTED TO SENATE		
1/22	FIRST READING		
1/22	REFERRED TO AGRICULTURE, LIVESTOCK & IRRIGATION		
1/27	HEARING		
2/01	COMMITTEE REPORT—BILL CONCURRED		
2/03	2ND READING CONCURRED AS AMENDED	34	12
2/04	3RD READING CONCURRED	36	12
	RETURNED TO HOUSE WITH AMENDMENTS		
3/03	2ND READING AMENDMENTS CONCURRED	81	16
3/05	3RD READING AMENDMENTS CONCURRED	77	23
3/10	SIGNED BY SPEAKER		
3/12	SIGNED BY PRESIDENT		
3/15	TRANSMITTED TO GOVERNOR		
3/18	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 106		
	EFFECTIVE DATE: 10/01/93		

HB 59 INTRODUCED BY L. NELSON, ET AL.

REVISE TIME PERIODS AND INSTALLMENT AMOUNTS FOR LOTTERY PRIZES OVER $100,000

BY REQUEST OF DEPARTMENT OF COMMERCE

12/23	INTRODUCED		
12/30	REFERRED TO BUSINESS & ECONOMIC DEVELOPMENT		
1/04	FIRST READING		
1/07	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED AS AMENDED		
1/13	2ND READING PASSED	91	8
1/14	3RD READING PASSED	91	8
	TRANSMITTED TO SENATE		
1/16	FIRST READING		
1/16	REFERRED TO BUSINESS & INDUSTRY		
1/27	HEARING		
1/27	COMMITTEE REPORT—BILL CONCURRED		
1/29	2ND READING CONCURRED	47	0
1/30	3RD READING CONCURRED	42	0
	RETURNED TO HOUSE		
2/04	SIGNED BY SPEAKER		
2/04	SIGNED BY PRESIDENT		
2/08	TRANSMITTED TO GOVERNOR		
2/09	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 25		
	EFFECTIVE DATE: 10/01/93		

HOUSE BILL NO. 58

INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE KILLING OF A DOG THAT HARASSES LIVESTOCK; AND AMENDING SECTION 81-7-401, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-7-401, MCA, is amended to read:

"**81-7-401. Killing of dogs** harassing, **destroying,** or **injuring stock -- notice to owner.** (1) **Any** A dog, whether licensed or not, **which** that, while off the premises owned or under control of its owner, ~~shall kill, wound, or injure any~~ harasses, kills, wounds, or injures livestock not belonging to the **master** owner of **such** the dog ~~shall be deemed to be~~ is considered a public nuisance and:

(a) may be killed ~~forthwith~~ immediately by any person; or

(b) the owner, when notified, shall kill **such** the dog within 24 hours, ~~and if he~~. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed ~~such dog~~.

(2) ~~Nothing contained herein shall apply~~ This section does not apply to **any** a dog acting under the direction of its **master** owner or the agents or employees of ~~such master~~ its owner."

-End-

HB 58
INTRODUCED BILL

HB 0058/01

RPT. LCB4 FINAL COMMITTEE REPORT OF REFERRED BILLS RUN TIME 16:01
RUN DATE.... 05/03/93

CHAIRMAN--VERN KELLER COMMITTEE--HOUSE AGRICULTURE, LIVESTOCK & IRRIGATION
SECRETARY-JAELENE RACICOT
NORMAL SCHEDULE => SITE: ROOM 420 DAYS: TU,TH TIME: 3:00 P.M.

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
HB0036	BARNETT, JOE		REVISE LIVESTOCK MARKETING CUSTODIAL ACCOUNT LAW			
	12/30	1/05		DO PASS 1/5 VOTE: 14-0		1/06
HB0058	KELLER, VERNON		ALLOW KILLING OF DOG THAT HARASSES LIVESTOCK; PROVIDING ASSOCIATED PENALTIES			
	12/30	1/05		PASS AS AMENDED 1/12 VOTE: 16-0		1/14
HB0104	ROSE, JOHN		SEIZURE & FORFEITURE OF PROPERTY USED IN THEFT/TRANSPORT OF STOLEN LIVESTOCK			
	1/05	1/12		PASS AS AMENDED 1/21 VOTE: 16-0		1/23
HB0108	BERGSAGEL, ERNEST		REVISE RURAL COOPERATIVE BOARD OF TRUSTEES PROVISIONS			
	1/06	1/14		DO PASS 1/14 VOTE: 16-0		1/15
HB0114	COBB, JOHN		DEFINITION OF "LLAMA"			
	1/07	1/14		TABLED ON 01/14 VOTE: 16-0		
HB0163	HERRON, JACK		REVISE MONTANA MINT LAW			
	1/13	1/19		DO PASS 1/19 VOTE: 16-0		1/21
HB0167	BRANDEWIE, RAY		GENERALLY REVISE NURSERY LAWS			
	1/13	1/19		PASS AS AMENDED 1/26 VOTE: 15-0		1/28
HB0181	BARNETT, JOE		REVISE APICULTURE DEFINITION, REGISTRATION FEES, AND PENALTIES			
	1/14	1/28		DO PASS 1/28 VOTE: 16-0		1/30
HB0183	ENDY, WILLIAM		REQUIRE STATE LAND LESSEE TO MARK BOUNDARY OF LEASE; DEPT TO FURNISH SIGNS			
	1/14	1/21		TABLED ON 02/04 VOTE: 11-4		
HB0193	TUSS, CARLEY		MONTANA PRODUCE ACT			
	1/15	1/26		PASS AS AMENDED 2/2 VOTE: 16-0	APPROPRIATIONS	2/05
HB0213	ROSE, JOHN		REVISE IRRIGATION DISTRICT VOTING			
	1/16	1/26		PASS AS AMENDED 2/16 VOTE: 16-0		2/17

custodial accounts. **Mr. Graham** stated that the check of the livestock buyer would go into the custodial account. The auction market was allowed to deduct the selling fee, then the sellers would receive the balance. The auction market was allowed to deduct the selling fee on a periodic basis. He stated there was a problem about 30 years ago in Dillon. He said a few years ago, the primary interest was reestablished by an incident which occurred in South Dakota. He said a lot of money was lost by producers. The money in the custodial account had been used for private investment. The marketing association had been taken to court and the court considered the custodial accounts as part of the marketing association's assets.

Closing by Sponsor:

REP. BARNETT thanked the committee for their attention and time and closed.

HEARING ON HB 58

Opening Statement by Sponsor:

REP. VERNON KELLER, HD 83, Fishtail, said that HB 58 is to amend 81-7-401 MCA. He stated that a newspaper in Kalispell had an article about a man who shot a dog that was in his corral harassing his animals. Through the court process, the rancher ended up paying $800 for the dog. **REP. KELLER** believed that by adding the word "harass" to the statue would alleviate most livestock owner's problems. He stated that the stray dog was deliberately causing stress to the domestic animal and it may cause undo harm and discomfort to the animal. Ultimately, it may end in death or permanent disability. He said there could be the possibility that a dog would run through a rancher's place and be killed which was why harassed was added to the bill. **EXHIBITS 1 and 2**

Proponents' Testimony:

Gary Graves, Wool Growers Association, presented written testimony. **EXHIBIT 3**

Stephan Sherick, Western Montana Sheep Association, presented written testimony. **EXHIBIT 4**

Stan Pelton, self, presented written testimony. **EXHIBIT 5**

Richard Bridges, self, presented written testimony. **EXHIBIT 6**

Gordon Darlington, self, stated that one should treat an animal with "humaneness", however, allowing a dog to harass his animals was not humane. He said these animals were being harassed and

treated inhumanely.

Mr. Darlington stated that in 14 years, he had no problems with sportsmen and their dogs. He felt that if they were good sportsmen and had good dogs, there would be no problems from the dogs. He felt this bill would control the dogs that were allowed to run freely; it would not affect the sportsmen who controlled their dogs.

John Paugh, Montana Wool Growers Association, stated that owners do not know where their dogs go. The dog can be gone for couple of hours and if one would follow the dog to the doorstep, the owners of the dog would swear that the dog was in the house all night. He said Montanans must have the power to control dogs harassing their livestock.

Jim Peterson, Montana Stockgrowers Association, stated that this legislation would do three things. First, it would allow a land owner to protect his property and pursue his livelihood in a responsible manner. Second, it would encourage dog owners to be responsible for their dogs. Third, it would avoid unnecessary litigation.

SEN. CHUCK SWYSGOOD, SD 37, Dillon, wanted the committee to give this legislation a do pass recommendation.

Opponents' Testimony:

Kent Rice, self, stated that without a clear definition of harassing livestock, dogs may be killed unjustly. He stated if a dog gets away from the owner, and runs through a ranchers place, the rancher has a right to kill the dog. He said for the few times a dog gets away from his owner and causes no harm, the dog deserves to be protected.

Judith Fenton, Secretary of the Federated Humane Society of Montana, stated the Society was concerned about the welfare of all animals. She said dogs don't know if they have done wrong, and it is the owner's responsibility to pay for any damages. She noted the law had to be stronger in order for the livestock owner to recoup any costs incurred from dogs harassing livestock. She said there should be a heavy fine placed on irresponsible dog owners.

Questions From Committee Members and Responses:

REP. ERVIN DAVIS asked about a section of the bill which does not apply to a dog acting under the direction of its owner. He asked **REP. KELLER** if the language meant the owner was allowed to go on a rancher's property with a chain or a whistle, run the dog through the cattle, and have the dog return. **REP. KELLER** said that this bill does not apply to the owner who was with his dog.

REP. DAVIS said that it did not apply to a dog acting under the direction of his owner. He said that a dog owner could send his dog out to chase a rancher's bull and the livestock owner could not shoot the dog for harassing the livestock. He expressed concern that the bill did not apply to a landowner. **REP. KELLER** asked **Ms.Erickson** to reply to **REP. DAVIS'S** concern. **Ms. Erickson** stated that the law applies to dogs which are not under control. She said if the owner was there with the dog and has control of the dog, the livestock owner could not shoot the dog if he thought it was harassing the livestock.

Ms. Erickson indicated that the second section of the bill was confusing. It could be interpreted to say that if the dog was under the dog owner's control, the dog could harass livestock and the statute would exempt that dog from being shot. **Ms. Erickson** said the committee may want to correct this language.

Ms. Erickson indicated that the committee could place a fine on the owner whose dog was responsible for injuring or killing livestock or poultry. She said the committee may want to amend the liability section as well, and add the word "harassment" to the language.

REP. KELLER agreed to an amendment if the committee believed there was a need.

REP. BOB BACHINI asked **Les Graham** if he had a chance to read the last subsection of the bill and if he was confused when he read it. **Mr. Graham** replied that he was not.

REP. BACHINI asked if the last section of the bill should be clarified so an owner could not allow a dog under their control to kill the livestock. **Mr. Graham** stated that the dog could run some animals through a fence, with the owner present, and the dog could not be dealt with. He believed the language should be revised.

REP. LARSON asked **Mr. Rice** if he had any suggestions for the definition of harassment and what would constitute harassment. **Mr. Rice** replied that he did not have any suggestions and noted that if his dog was caught harassing livestock and he was brought to court to pay for damages, he would argue that whatever his dog was doing was not within a general definition of harassment.

REP. LARSON asked **Mr. Sherick** if he agreed that a clear definition of harassment should be in the bill. **Mr. Sherick** responded that it should.

REP. WILBUR SPRING asked **Ms. Fenton** if she was aware that many of the harassment problems occur at night and that it was impossible to identify the dog and the owner. **Ms. Fenton** replied that she did realize problems happened at night but she believed the dog, who did not know he was doing wrong, should not pay the supreme penalty when it was the owner's fault.

Closing by Sponsor:

REP. KELLER stated that many times the rancher does not know who the owners are in order to recover damages. Therefore, it would make it difficult to fine the owners. He thanked the committee for their time and attention.

EXECUTIVE ACTION ON HB 36

Motion/Vote: **REP. LARSON MOVED HB 36 DO PASS.** The motion carried unanimously.

HOUSE OF REPRESENTATIVES

AGRICULTURE, LIVESTOCK, & IRRIGATION COMMITTEE

ROLL CALL DATE 1/5/93

NAME	PRESENT	ABSENT	EXCUSED
REPRESENTATIVE SHIELL ANDERSON	✓		
REPRESENTATIVE BOB BACHINI	✓		
REPRESENTATIVE JOE BARNETT V.C.	✓		
REPRESENTATIVE JODY BIRD	✓		
REPRESENTATIVE ERVIN DAVIS	✓		
REPRESENTATIVE BILL ENDY			✓
REPRESENTATIVE HARRIET HAYNE	✓		
REPRESENTATIVE DON LARSON MIN. V.C.	✓		
REPRESENTATIVE GARY MASON	✓		
REPRESENTATIVE BILL REHBEIN	✓		
REPRESENTATIVE SAM ROSE	✓		
REPRESENTATIVE DORE SCHWINDEN	✓		
REPRESENTATIVE WILBUR SPRING	✓		
REPRESENTATIVE WAYNE STANFORD			✓
REPRESENTATIVE JAY STOVALL	✓		
CHAIRMAN VERN KELLER	✓		

WASHINGTON'S DANGEROUS DOG LAW

RCW 16.08.070

Washington State has one of the strictest dangerous dog laws in the Nation. It is the owner's responsibility to control his or her pet. Failure to do so may result in criminal prosecution as well as civil suit.

Dangerous Dog

Any dog that, according to the records of the appropriate authority,

- severely injured a human on public or private property;
- killed a domestic animal while off the owner's property;
- has been classified as potentially dangerous under the law and subequently bites, attacks or endangers the safety of humans or domestic animals.

Potentially Dangerous Dog

Any dog that, when unprovoked,

- bites a human or domestic animal;
- chases or approaches a person on the street, sidewalk or other public grounds in a menacing fashion;
- injures or otherwise threatens the safety of humans or domestic animals.

Potential Penalties

- Failure to control a potentially dangerous dog: **MISDEMEANOR**
- Failure to control a dangerous dog: **GROSS MISDEMEANOR**
- Possessing a dangerous dog that aggressively attacks, severely injures or kills any human: **CLASS "C" FELONY**

Keeping a "Dangerous Dog"

To keep a dog legally classified as dangerous, you must:

- Obtain a $50,000 surety bond
- Permanently kennel the dog
- Pay an annual registration fee of $100

IMPORTANT

All dogs exhibiting potentially dangerous behavior can be evaluated for designation as a dangerous dog under Washington law. Pet owners whose dogs have been classified as potentially dangerous are liable for criminal prosecution for subsequent violations. In addition, a futher determination will be made to upgrade the classification to dangerous. This does not preclude the filing of felony or civil charges for the first offence in cases of serious human injury or death.

Services Provided by Your Animal Control/ Humane Officers

- Rescuing sick and injured animals
- Investigating animal bite complaints
- Controlling vicious-animals
- Picking up dead and stray animals
- Investigating cruelty complaints
- Impounding stray dogs and cats
- Rounding-up stray livestock
- Investigating barking dog complaints
- Acting as expert witnesses in court cases
- Assisting other law enforcement agencies with animal problems
- Assisting pet owners in resolving animal behavior problems
- 24-hour emergency service

Questions? Call 692-6977

SWOBODA 1/11/90

EXHIBIT 1
DATE 1/5/93
House Bill 58 SB 58

THE PET OWNER & THE LAW

Kitsap Animal Control

Making your neighborhood a better place for people and pets.

Kitsap Animal Control

Kitsap Animal Control, as part of the Humane Society, is charged with enforcing the animal statutes of Washington State, Kitsap County, Port Orchard, Poulsbo and Winslow. Bremerton residents are served by Bremerton Animal Control.

Animal Control/Humane Officers

Animal Control Officers are deputized by the County Sheriff and municipal Police Chiefs. They carry commission cards limited to enforcing local animal control regulations. In addition, these officers are appointed by the Superior Court as Humane Officers responsible for enforcing the State's anti-cruelty laws and other statutes regulating animals.

While the majority of laws about animal control are directed at specific unacceptable behavior, it should be understood that the laws are not for animals—they are for the pet owner or keeper. In a sense, animal control problems are really people problems.

You Can Help

- ***Abide by the law.*** Attach current pet license tags to your pet's collar. Keep your pet off the streets and your neighbor's property. Provide proper food, water, shelter, veterinary care, and most important—LOVE!
- ***Spay or neuter.*** If your female dog or cat is in heat, don't allow her outside unsupervised. Better yet, spay female pets and neuter male pets so there can't be any "accidents."
- ***Control your pet.*** Don't let your pet bother the neighbors by barking or being a nuisance. Obedience training can correct many problems.

LOCAL ANIMAL CONTROL LAWS

These are only the most common laws, not a comprehensive summary

Pet Licensing

Annual dog licensing is mandatory in all areas of Kitsap County. All dogs must be licensed within 30 days of acquisition, or before the dog is six months old (four months in Port Orchard), whichever occurs last. The license must be securely attached to the dog's collar and worn at all times, even when the dog is on your own property. Cat licensing is optional but highly recommended.

Animals at Large

It is unlawful to permit an animal to leave your own property unless the animal is accompanied by a person able to keep the animal under physical restraint or voice control.

Barking

It is unlawful to keep an animal that unreasonably annoys or disturbs others through frequent or habitual barking, howling, yelping or crying.

Animals in Heat

It is unlawful to keep an animal in heat where it is accessible to male animals unless such accessibility is for the purpose of planned breeding.

Disturbing Pedestrians

It is unlawful to keep an animal that disturbs people lawfully using public ways by snarling, growling or jumping at or toward such people.

Biting

It is unlawful to maintain an animal that bites a person while such person is on public property or lawfully on private property.

Quarantine

Any domestic animal that bites or otherwise breaks the skin of any person will be quarantined for 10 days at the owner's expense.

Cruelty

It is unlawful to deliberately abuse or neglect any animal. Cruelty includes failure to furnish adequate care, shelter and medical attention or allowing an animal to go 24 hours without food and water.

Penalties

Owners of animals impounded are subject to payment of impound and boarding fees, and transportation fees for livestock. In addition, you may be cited for violations of the Civil Code (infractions) or the Criminal Code (misdemeanors) and subject to fines and/or mandatory appearances in District or Municipal court. The minimum fine for the first infraction is $40. Conviction of a misdemeanor can result in up to a $1,000 fine and imprisonment for up to 90 days. Fines and penalties vary with each municipality.

Responsible Pet Ownership...
... is serious business

Each year in the United States there are over one million bites and attacks on humans and domestic animals. Most of these incidents are preventable with proper pet obedience training, spaying and neutering, and by exercising control over your pet's activities. Free roaming pets will not be tolerated. Failing to exercise your responsibility can result in serious consequences.

Other Violations

- Running in a pack
- No pet license
- Damaging property
- Releasing someone else's animal
- Agitating an animal
- Refusal to quarantine
- Abandoning an animal
- Interfering with impounding
- Possessing a dangerous, venomous or poisonous wild animal
- Excessive number of animals
- Failing to remove feces from public property ("scooper" law—Winslow and Poulsbo)
- Failing to muzzle and leash a pit bull when off your own premises (Winslow)

ANIMALS AT LARGE ARE SUBJECT TO IMPOUNDMENT

EXHIBIT 2
DATE 1/5/93
SB 58

TO: Legislative Predator Hearing

FROM: Ed and Karen Miller
RR 1 Box 2882
Absarokee, MT 59001

DATE: January 2, 1993

SUBJECT: Domestic Predator Control

My name is Ed Miller. My wife and I ranch in southern Stillwater County and operate a family-size cattle and sheep enterprise. My family on both my mother's and father's side have been engaged in animal agriculture in this valley since the late 1880's. Historically, they have stayed with cattle and have been in and out of the sheep business basically due to two factors: economics and predators.

In the beginning predators were assumed to be a part of the cost of doing business. At that time they were dealing with native predators such as wolves, coyotes and bears. The problem today, while still not immune to pressure from these predators, is much amplified with the presence of domestic dogs.

In the past we have done as any livestock person would do when the neighbors dogs were on our property and doing damage, we took care of the problem. Law enforcement people tell us now that we can no longer handle these problem individually and immediately.

This past winter we turned 18 head of mature ewes in a pasture immediately adjacent to our ranch buildings; and in over a period of over six months and numerous dog attacks, there were six ewes left to lamb and shear in the spring. These sheep were being fed daily and were not neglected.

Realistically, we know that we will have more people in our valley and with them will come more dogs. I ask only that legislation considered here today allow us to protect our livestock from these predators when they are on my property. I will guarantee you that when you see dogs in your sheep or cattle, you don't have time to call the authorities. Give us the right to protect our property and then we won't be the culprits in this situation.

Ed Miller

EXHIBIT 2
DATE 1/5/93
HB 58

HOUSE AGRICULTURE COMMITTEE
JANUARY 5,1993

HB 58 BY REPRESENTATIVE VERN KELLER

My name is Gary Graves of Roundup. I am President of the Montana Wool Growers Association and I am here to support HB 58 by Representative Vern Keller. This bill is very important to livestock producers in our state. Our membership discussed the growing problem with urban dogs at our annual convention held just a month ago in Billings and the membership passed a resolution supporting HB 58.

Each year the Montana Crop and Livestock Reporting Service surveys a select number of sheep producers in the state regarding loss to predators. In 1991, the last year numbers are available (in the winter of 1993, they survey producers about 1992 losses) a total of 3,500 head were reported killed by dogs at a value of $162,000. It would be hard to estimate the number of sheep maimed by dog attacks which results in considerable dollars spent in sewing them up and treating them for infections.

The problem of dogs attacking and harassing livestock seems to be growing, likely caused by expanding city boundaries or subdivisions. It seems that folks want to come to the country but they forget there's responsibility in that move, especially responsiblity in controlling their dogs. What we see happening is that people move to the suburbs and then think it is okay to have a dog or two which runs freely.

Dogs have a basic instinct to pack, just like their wild canine ancestors. Dogs left unsupervised seem to get bored and they gather to create excitement. It is important to understand that dogs chasing livestock,..be they sheep or cattle...causes a great deal of stress to

EXHIBIT 1
DATE 1/5/93
HB 58

STATEMENT before House Agriculture Committee

Montana State Legislature

Jan. 5, 1993

My name is Stephan R. Sherick. I live at 4995 Lower Miller Creek Road, Missoula, Montana. I am President of the Western Montana Sheep Association with a membership of approximately 350 producers. I am here speaking on behalf of HB 58, and with your permission will share some recent experiences with out livestock and uncontrolled dogs roaming free.

On March 22, 1990, two dogs attacked and killed sheep in the corrals and adjacent pasture during lambing season. During a routine check of the sheep by my wife at about 2:00 a.m., she discovered the sheep being attacked. Trying to chase them off didn't work so she came to the house and awakened me for help. I got dressed and took a shotgun and shells, headed for the barnyard where I saw two dogs stalking sheep and a goat. I yelled at the dogs, one growled at me, so I shot it. The other ran toward the sheep; when I turned the flashlight on it and yelled it growled also and I shot it.

Then we examined the sheep and found dead and wounded sheep in the corrals and pasture. I called 911 that dispatched a deputy sheriff. He examined the dogs and took their out of state tags and collars. He also helped sort and load the injured sheep in the trailer. I took the sheep to a veterinarian that sewed and worked on them for three hours.

Later that morning I contacted the county animal control and the brand inspector. Animal control came and picked up the dogs. The following day Animal Control notified me who the owner of the dogs was and where he lived. They told me they had visited with the owner.

After no response from the owner, I called him to discuss the situation. He informed me that I shouldn't be indisciminately shooting dogs and he wasn't libel for anything.

I sued for the cost of the sheep and vet bill and settled out of court. He has now sued me for actual damages, loss of value of productivity damages, mental anguish damages and for other relief as the court deems equitable.

On Dec. 24, 1992, at approximately 8:00 a.m., a man came to the door and introduced himself. He said he was looking for his dogs. I invited him in and said I would get my boots on and help him look as I had sheep and horses in the back fields by the river. As I went for my boots I saw two large dogs running around his truck. He identified them as his two huskies that he had been looking for. We both went outside through the barn yard and immediately saw sheep down, scattered in many fields. Very soon my wife was out running from sheep to sheep assessing the damage in addition to trying to get a head count in order to locate all the sheep. Some were dead and others down and wounded. Some were on the river bank, others in the river, dead and alive, one made it across the river and died.

I went to the house and called the veterinarian and asked him to come out and help determine which ones could be saved. I also called 911 who dispatched an Animal Control warden.

The veterinarian and assistant went through the sheep and helped gather and load my trailer and my neighbor's trailer with the help of my wife, daughter and friend, son, neighbor, hired hand and dog owner. The Animal Control officer arrived and cited the dog owner for no dog tags and vicious dogs.

that animal being chased. In times of pregnancy, we feel that stress can cause abortions in our animals, and stress can affect other reproductive behavior such as adverse conditions for lactation during lambing.

City councils in nearly every city has passed dog control laws and many counties are faced with trying to enforce dog control ordinances. As with this session, money for dog control officers is a problem. A responsible dog owner will not be adversely affected by this legislation as proposed by Representative Keller and which we support. I feel a livestock owner has a full right to protect his property from dog attacks and I urge your support of HB 58.

METHODOLOGY and DEFINITIONS

The sheep and lamb survey utilized multi-frame sampling procedures. This involved drawing a random sample from a list of livestock producers maintained by the Montana Agricultural Statistics Service. In addition, sheep producers living in a selected sample of area segments were interviewed. This procedure assures more complete coverage by accounting for and representing those who may not be on the list of producers.

Sheep and lamb loss estimates published by the USDA include sheep losses for the entire year, but include only those lamb losses that occur after docking. This special report includes an estimate of lambs lost before docking as well.

COOPERATION

This study was undertaken at the request of the Montana Wool Growers Association who also provided funding. The Montana Agricultural Statistics Service conducted the survey and expresses appreciation to all cooperating sheep producers.

MONTANA HISTORIC SHEEP and LAMB LOSS

		1985	1986	1987	1988	1989	1990	1991
Sheep & Lambs 1/	000 Hd.	615	523	563	597	600	663	683
Pred. Death Loss	000 Hd.	51.7	42.1	36.7	43.1	35.9	39.1	44.9
Value Pred. Loss	000 Dol.	2,469.5	2,051.1	2,260.5	2,519.7	1,956.4	1,491.1	1,590.0
Non-Pred. Death Loss	000 Hd.	59.8	72.1	79.8	84.7	80.8	79.9	83.5
Value Non-Pred. Loss	000 Dol.	2,704.6	3,437.9	4,825.4	5,115.3	4,264.8	3,586.1	3,179.6
Unknown Death Loss	000 Hd.	15.5	17.8	20.3	22.2	24.3	14.0	13.6
Value Un-known Loss	000 Dol.	776.1	920.0	1,343.0	1,386.6	1,405.0	659.8	550.4
Total Death Loss 2/	000 Hd.	127.0	132.0	137.0	150.0	141.0	133.0	142.0
Value Death Loss 3/	000 Dol.	5,950.2	6,409.1	8,428.9	9,021.6	7,626.2	5,737.0	5,320.0

1/ On farms and ranches January 1. 2/ For entire year. 3/ Lamb values equal to market year average price received for lambs applied to an average weight of 60 pounds per lamb. Sheep value equal to January inventory value Ewes 1+, straight average 1991 and 1992.

Thirty-nine sheep were killed or badly wounded, nine were killed and two have died from complications. Of the dead, two were purebred bucks and the rest were pregnant ewes. The remaining wounded sheep are pregnant and may have complications. This can result in lambing problems, loss of lambs and effects on the wool.

I support enactment of House Bill No. 58.

Thank you very much. If you have any questions, I would be glad to answer them.

Pelton Exhibit

EXHIBIT 2
DATE 1/5/93
SB 58

To: Rep. Vern Keller

From: Stanley L. Pelton
RR 1 Box 2820
Absarokee, MT 59001

Date: January 1, 1993

Re: Testimony in support of amending Section 87-7-401 MCA, "Allowing for the killing of a dog that harasses livestock."

Let me first introduce myself, I am Stanley L. Pelton of Absarokee MT. I operate a ranch based just north of Absarokee with small leases and deeded holdings in South Central Stillwater County as well as Northern Carbon County. Our enterprize base is currently a cow-calf operation but in the past has included sheep. Part of the leases of our operation are family holdings of which I am a member of the fourth generation.

I would like to appeal to you for support of the measure you have before you. Having had numerous experiences with dog problems in the past sixteen years, I have sought solutions through law enforcement and legal council only to be advised that Section 81-7-401 MCA does not address problems of livestock being harassed which often times creates a very real economic hardship to livestock owners in terms of lack of gain, conception rates being deminished or fences being destroyed by fleeing livestock. Yet another aspect to be considered is how humane is it to allow dogs to harass demesticated livestock who by restriction of fences and habitat can not adequately defend themselves. Even worse, since dog problems become a very emotional issue, livestock owners actions are severly restricted under current statute.

While restitution for dog damage, in my experience, is seldom an achieveable end the changes proposed in this legislation would allow the livestock producer in this state to protect his economic livelyhood. I firmly believe this proposed change will also act as a deterant to the owners of chronically neclected dogs as well as those incidental problem dogs. It will also have a positive impact on an already overburdened rural sheriff departments time by reducing the number of calls for help in nuisance dog cases involving livestock. The calls not only involve time but stress to the sheriff's staff when they become mediators in this emotional situation.

In searching my soul and viewing these changes as a dog owner, I do not find the changes offensive. I, too, have a canine who not only earns her keep each day as a stock dog but also is friend, companion and protector of each of our family mambers. I do find offensive, dogs who wander at will in groups and tempt otherwise peacefull and useful dogs into the chase. This problem would also be deterred by implementation of these changes.

I would like the indulgence of this group in allowing me to describe some incidences that have happened to me over the last sixteen years wherein implementing the word "harrassing" into this act would have been an aid. These incidents are listed chronilogically. Also let me preface these examples by stating that most occured near subdivisions or the Stillwater River or both.

1) Dogs run a small group of sheep in river at night. The temperature was extremely cold. None of the animals were killed outright but four were frozen in that river. End result was frozen feet and legs which caused permanent lamenitis over time and eventual loss of use.

2) Dogs harrassed calving cows at night in lots and sheds located away from home base. Resulting in agitated cows, torn up corrals, and trampled calves. It is very difficult to prove these dogs were indirectly killing these calves. Had harrassment been included in the statute, witnesses were available and an officer could have acted.

3) Dogs were seen by neutral witnesses chasing cows from a single water source during the winter. This was a man-made self waterer which would handle two to four cows at a time in a single location. The result was an extremely agitated herd of cows that performed very poorly all winter. There were no deaths, because these cows would water at night when the dogs were housed.

4) I have had cattle run through fences on a recurring basis. Not only weaned calves but adult cattle as well.

5) We have had dogs that would prevent cattle and sheep from utilizing hay fed to them during the winter months. Not a continual problem, but one that was totally unnecessary, hard to resolve and a pure game for the dog involved.

6) An ever increasing incidence of campers along our scenic rivers who turn their dogs loose and result in cattle and sheep being run or at least intimidated from grazing certain areas of a pasture. This is economic harrassment!

7) Most recently river floaters, whom also fish with dogs, can legally embank below high water lines to fish. They in turn allow dogs to run loose spooking cows and young calves through fences during the spring calving season!

Change always is difficult. Time dictates need for change in respect to this act. As my examples clearly have shown, with demands of recreation, the need for land by the populace and their dogs, and the need of livestock entrepreneurs to survive we must implement this change so we can peacefully coexist. Thank you for your time. I ask you to please give full and complete consideration to this measure.

EXHIBIT 6
DATE 1/5/93
HB 58

TO: Rep. Vern Keller

FROM: Richard C. Bridges
RR 1 Box 2810
Absarokee MT 59001

DATE: January 2, 1993

RE: Testimony in support of ammending Section 87-7-401 MCA "Allowing for killing of a dog that harrasses livestock."

I ranch north of Absarokee along the Stillwater River. I am the third generation to take my livelihood from this ranch.

A new subdivision was developed across the river from us where people enjoy semi-country living. Since they believe they're in the country, they let their dogs run loose. These dogs cross the river and run my sheep and chase my cattle. I've spent hours at night turning ewes off their backs and hunting in the brush for sheep frightened away from the flock. I've had ewes crippled, torn, and so scared that they cannot eat. It takes these ewes months to completely heal and they do not raise good quality wool or have good lamb production.

The cabin people down the road from us bring their dogs with them on weekends and turn them loose. These dogs have run my cattle through the fences into the neighbor's causing us to spend hours separating cattle and repairing fences. The dogs have also chased my sheep into the poor feed at the far end of the pasture where they remain until the dogs are taken home after the weekend.

Seasonal fishermen along the river turn their dogs loose while they fish and these dogs have chased my sheep and cattle. They have even come into my barnyard to harrass my chickens.

We have also had dog packs run our livestock. One such pack of five has chased livestock into our fence corners.

We need this bill put into law to help control dogs that are destroying our livelihood. Since there are more people in the area every year and, consequently, more dogs, the problem grows and will not go away. Law enforcement also needs this bill to give them authority in dealing with this problem. Please help us.

Richard Bridges

EXHIBIT 7
DATE 1/5/93
HB 58

TESTIMONY - HOUSE BILL NO. 58

January 5, 1993

Mr. Chairman, members of the committee, for the record, I am Representative Vernon Keller, House District 83, representing Stillwater and the northwest portion of Yellowstone County and west Billings.

Today, I bring before you in the Agriculture committee, a proposal to amend section 81-7-401, MCA.

A little over a year ago, a story appeared in our local paper taken from a Kalispell newspaper about a livestock owner who thought he was in his rights by shooting a dog in his cattle pen. The rancher found out differently when a judge ordered him to reimburse the dog's owners $800.

Although this particular amendment to the law may not completely alleviate that particular rancher's problem, I believe that adding the word, "harasses" to the statute would certainly alleviate most livestock owner's problems.

If a stray dog is deliberately causing stress to a domestic animal, it may cause undue harm and discomfort to the animal. Ultimately it may end in their death or permanent disability. Added to the burden of Montana's sometimes severe inclement weather, domestic livestock have enough stress to carry without deliberate agitation.

Closing: To be socially acceptable in our society, parents are expected to determine where their children are and are accused of neglect if they refuse that obligation. Is it any different that pet owners should be negligent to the care and whereabouts of their charges. Perhaps this piece of legislation can be more of a deterrent to the ultimate extinction of their pets if they know ahead of time. I would hope that very few cases of dog disposal would occur.

Rep Vernon Keller
Vernon Keller

VK:vn

w:\data\wp\keller\hb.tes

HOUSE OF REPRESENTATIVES

WITNESS STATEMENT

PLEASE PRINT

NAME Judith Fenton BUDGET 1/5/93

ADDRESS Blue Sky Heights #26, Clancy, MT

WHOM DO YOU REPRESENT? Federated Humane Societies of MT

SUPPORT _____ OPPOSE ✓ AMEND _____

COMMENTS: HB58

Irresponsible owners who have their dog shot for injuring or killing livestock simply go out and get another animal and let it run loose also. The dog really doesn't know better and should not be made to pay the maximum price of giving up his life. The owner should pay the penalty, ie. fines etc.

I feel that this is being introduced just to bring the law in line with what most ranches plus most people in the general public think it says.

HR:1991
CS16

HOUSE OF REPRESENTATIVES
VISITOR REGISTER

Agriculture COMMITTEE BILL NO. HB 36

DATE 1/5/93 SPONSOR(S) REP. BARNETT

PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Les Graham	Mt Auctions Assn	✓	
John Paugh	Mt Wool Growers	✓	
Gordon Davidson	Montana Stockgrowers	✓	
Cork Masterson	Dept. of Livestock	✓	
Lorna Frank	MT. Farm Bureau	HB-58	
Jim Peterson	Mt. Stockgrowers	HB 58 ✓	
Bob Gilbert	MT-Woolgrowers	HB 58 ✓	
Gary D. Graves	MT. Wool Growers	HB ✓ 58	
Steve Sherick	self	HB 58	
Bill Myers	AFA	HB ✓ 58	
Jim Kunk	self	HB ✓ 58	
Richard Bridges	self	HB ✓ 58	
Shelley Pilon	SAL	HB 58	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

property that had gone through a sheriff's sale.

REP. BOB BACHINI wanted a better clarification of the language in the bill dealing with the proceeds which may be used by the Department of Livestock for personnel training. He asked if the word "shall" should be used instead of "may". **Mr. Mitchell** explained why the word "may" was used. He stated that there may be circumstances whereby the department of livestock would end up with more funds than it intended to use for training at that particular time. He said the amendments before the committee would allow the department to retain the funds in a specific account so the funds could be used at a later date.

REP. JODY BIRD asked **Mr. Mitchell** about the amendments and if any property was retained, would help reduce the department's need to purchase additional. property. **Mr. Mitchell** stated there may be circumstances whereby retaining certain properties may offset the purchase of needed equipment.

REP. ANDERSON asked **Mr. Mitchell** about the dollar amount brought in by the seizure of property and if that amount was significant. **Mr. Mitchell** replied that it was not a significant amount, indicating these type of cases were not common.

Closing by Sponsor:

REP. ROSE thanked the committee for their time and closed.

Ms. Erickson advised she would draft amendments which would cover what the Department of Livestock wanted to accomplish with this bill.

EXECUTIVE ACTION ON HB 58

Ms. Erickson explained the amendments. **EXHIBIT 3** She noted that the penalty of $500 in amendment seven was based on a piece of legislation introduced by **REP. DAVE BROWN**. **Ms. Erickson** said the $500 amount was certainly negotiable by the committee.

REP. BACHINI questioned amendment three and asked if the committee could include an agent or owner of the livestock who would be allowed to kill the dog.

REP. BARNETT indicated he had the same concern about amendment three and that someone employed by the rancher should be allowed to kill a dog harassing livestock.

REP. WILBUR SPRING added that a 16 year old boy could be included in the description of an agent or employee of the owner.

Motion/Vote: **REP. BACHINI** moved to adopt amendment two. Motion carried unanimously.

Motion/Vote: **REP. BACHINI** moved to adopt amendments three and

four with the proper language. Motion carried unanimously.

Motion/Vote: REP. BIRD moved to adopt amendments five, six, and seven. Motion carried unanimously.

Motion/Vote: **REP. BACHINI MOVED HB 58 DO PASS AS AMENDED.** Motion carried unanimously.

HOUSE STANDING COMMITTEE REPORT

January 13, 1993

Mr. Speaker: We, the committee on Agriculture, Livestock, and Irrigation report that House Bill 58 (first reading copy -- white) do pass as amended .

Signed: _____
Vern Keller, Chair

And, that such amendments read:

1. Title, line 5.
Following: "LIVESTOCK;"
Insert: "PROVIDING A PENALTY;"

2. Page 1, line 11.
Following: "(1)"
Insert: "As used in this section, "harasses" means worries, chases, or runs after livestock in a manner that may lead to subsequent injury to the livestock. (2)"

3. Page 1, line 17.
Strike: "any person"
Insert: "the owner of the livestock or an agent or employee of the owner"

4. Page 1, line 19.
Following: "owner"
Insert: "of the dog"

5. Page 1, line 23.
Strike: "(2)"
Insert: "(3)"

6. Page 1, line 24.
Strike: "acting"
Insert: "herding livestock"

7. Page 2.
Following: line 1
Insert: "NEW SECTION. Section 2. Penalty. The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than $500."

EXHIBIT 1/12/93
HB 58

Amendments to House Bill No. 58
First Reading Copy

Requested by Rep. Keller
For the Committee on House Agriculture, Livestock, and Irrigation

Prepared by Connie Erickson
January 11, 1993

1. Title, line 5.
Following: "LIVESTOCK;"
Insert: "PROVIDING A PENALTY;"

2. Page 1, line 11.
Following: "(1)"
Insert: "As used in this section, "harasses" means to worry, chase, or run after livestock in a manner that may lead to subsequent injury to the livestock. (2)"

3. Page 1, line 17.
Strike: "any person"
Insert: "the owner of the livestock"

4. Page 1, line 19.
Following: "owner"
Insert: "of the dog"

5. Page 1, line 23.
Strike: "(2)"
Insert: "(3)"

6. Page 1, line 24.
Strike: "acting"
Insert: "herding livestock"

7. Page 2.
Following: line 1
Insert: "NEW SECTION. **Section 2. Penalty.** The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than $500."

HB 0058/02

APPROVED BY COMMITTEE
ON AGRICULTURE LIVESTOCK
& IRRIGATION

HOUSE BILL NO. 58

INTRODUCED BY KELLER

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING FOR THE KILLING OF A DOG THAT HARASSES LIVESTOCK; PROVIDING A PENALTY; AND AMENDING SECTION 81-7-401, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 81-7-401, MCA, is amended to read:

"81-7-401. Killing of dogs harassing, destroying, or injuring stock -- notice to owner. (1) AS USED IN THIS SECTION, "HARASSES" MEANS WORRIES, CHASES, OR RUNS AFTER LIVESTOCK IN A MANNER THAT MAY LEAD TO SUBSEQUENT INJURY TO THE LIVESTOCK.

(2) Any A dog, whether licensed or not, which that, while off the premises owned or under control of its owner, ~~shall kill, wound, or injure any~~ harasses, kills, wounds, or injures livestock not belonging to the master owner of such the dog ~~shall be deemed to be~~ is considered a public nuisance and:

(a) may be killed forthwith immediately by any ~~person~~ THE OWNER OF THE LIVESTOCK OR AN AGENT OR EMPLOYEE OF THE OWNER; or

(b) the owner OF THE DOG, when notified, shall kill such the dog within 24 hours, ~~and if he~~. If the owner fails to do so, an officer may be notified and shall kill the dog or cause the dog to be killed such dog.

~~(2)~~(3) ~~Nothing contained herein shall apply~~ This section does not apply to any a dog acting HERDING LIVESTOCK under the direction of its master owner or the agents or employees of ~~such master~~ its owner."

NEW SECTION. **SECTION 2.** PENALTY. THE OWNER OF A DOG THAT HARASSES, KILLS, WOUNDS, OR INJURES LIVESTOCK IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED NOT MORE THAN $500.

-End-

MINUTES

MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON AGRICULTURE, LIVESTOCK, & IRRIGATION

Call to Order: By Senator Rea, on January 27, 1993, at 1 p.m.

ROLL CALL

Members Present:
Sen. Jack "Doc" Rea, Chair (D)
Sen. Francis Koehnke, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Jim Burnett (R)
Sen. Gerry Devlin (R)
Sen. Mike Halligan (D)
Sen. Bob Pipinich (D)

Members Excused: None

Members Absent: Sen. Forrester, Sen. Bruski-Maus

Staff Present: Doug Sternberg, Legislative Council
David Martin, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing: HB 58
Executive Action: None

HEARING ON HB 58

Opening Statement by Sponsor:
Rep. Keller, HD 83, referred to an article in a Kalispell newspaper from last year in which a rancher had to pay over $800 in damages after shooting a dog that was chasing livestock in his corral. These shootings happen often but luckily have not been brought to suit.

A wording change is necessary to include the word "harass". Dogs that harass cattle can cause injury or stress to livestock. Rep. Keller said HB 83 did have some difficulty in the House due to the highly emotional nature of the topic.

The House Committee defined the word "harass" using Colorado law as a basis. "Harass" refers to when dogs worry, chase, or run after livestock leading to subsequent injury. The word "worry"

is a term used in livestock law in other states including Colorado.

In the event a dog returns to an area and harasses livestock, the owner or a peace officer has 24 hours to kill the dog provided that due process is followed. Should a dog be found on a livestock owner's property, then the dog may only be killed by the agent or his employee. A safety amendment was added to prohibit shooting dogs with people in nearby proximity.

HB 58 should clarify some aspects of the old law. There is also a penalty clause included to compensate for economic loss. Rep. Keller distributed testimony from the House proceedings. (Exhibit #1).

Proponents' Testimony:

Gary Graves, Montana Wool Growers Association and Montana Stock Growers Association supported HB 58. (Exhibit #2).

Stanley Pelton, Rancher, Absarokee,MT supports HB 58. (Exhibit #3).

Dorothy Denning, Rancher, Manhattan, MT supports HB 58 for many of the reasons already testified to. In the past, her ranch has lost up to $10,000 in a year due to damage by dogs. She showed photographs of livestock destruction to the Committee.

Dave Donaldson, Ranch Manager, supports HB 58. Mr. Donaldson said dogs become repeat offenders once they begin harassing livestock. Not only do the dogs directly injure livestock, but they can cause the livestock to injure themselves through panic. Mr. Donaldson showed photos of actual livestock damage done by dogs that he felt was inhumane. Beyond destruction of livestock, additional expenses are incurred caring for injured animals in the weeks that follow. Mr. Donaldson said this problem occurs when negligent owners allow their dogs to run free.

Gib Goodman, Sheepherder, cited an example of two dogs that attacked penned sheep and injured over 24 of them. He stated that much of the problem occurs when animals run at night and feels ranchers need the resources to deal with this problem.

Opponents' Testimony:

Kent Rice, responsible dog owner, voiced general support of the current law but had reservations about certain provisions of HB 58. Mr. Rice said dogs should be held accountable for damage or loss they inflict, which is covered by current law. Perhaps a more appropriate area that should be emphasized is irresponsible dog owners. The owners of the dogs should be responsible for livestock loss/injury. His main concern with HB 58 is the lack of burden of proof. Mr. Rice asked that a definition of

harassment be added to the House version which would pertain to the term "worries". He felt the term "worried" could be too vague and cover too many situations. Mr. Rice gave as an example, a wandering dog that is only crossing property may be viewed as harassing and shot unjustly. Dogs may be unjustly shot by overzealous ranchers under this provision. HB 58 either needs a clear definition of the word "worried" or removal of the word altogether.

Questions From Committee Members and Responses:

Sen. Beck asked Doug Sternberg, Legislative Council, if there was a definition for "worried" in the codes. Mr. Sternberg replied there was not,but the term is found in Colorado and Washington law, for example. "Worried" is used in the HB 58 but is not defined.

Sen. Beck asked Rep. Keller why poultry were not included. He responded poultry are covered in other Livestock Law in another section.

Sen. Koehnke asked Mr. Rice for input on how the bill could be written to prevent innocent dogs from being shot, i.e. a dog just crossing property and not harassing livestock. Mr. Rice again referred to the burden of proof but did not have a concrete suggestion. He would still like to see some kind of language to address irresponsible livestock owners rather than change the bill.

Sen. Devlin commented even if the word worried was removed then dogs would still be shot. Mr. Rice replied that if a dog goes on ranch property and livestock are not killed, injured or damaged, then persons who do not like dogs may be justified in shooting dogs under the term worried.

Sen. Devlin added dogs can sometimes run livestock to death without causing a mark. Mr. Rice said that situation should be covered under the chase language in the bill. He also conceded that dogs will run in packs, even those that would not normally chase livestock individually.

Sen. Beck provided an example of worried. He said a dog might circle a cow with a newborn calf. The cow may become nervous and trample the calf. He also feels that most ranchers would give the dog the benefit of the doubt.

Sen. Beck asked Doug Sternberg if HB 58 reimbursed an owner that has lost livestock. Mr. Sternberg replied Section 402 directly following this section would provide for that. Sen. Beck then asked if formal charges would have to be filed or would the charges be somewhat automatic. Mr. Sternberg replied Section 2, the penalty clause, would provide misdemeanor penalties.

Sen. Halligan asked if HB 58's intent is to kill the dog after the first harassment incident. Bob Gilbert replied yes, because once dogs begin this behavior it is almost impossible to break them of this habit. In nearly all cases, an attempt is made to inform the dog owner of a problem.

Sen. Halligan asked if this problem is related to suburbs. Bob Gilbert responded most occurrences are west of the Continental Divide and involve subdivisions or small acreages.

Closing by Sponsor:

Rep. Keller stated the purpose of the bill is to add the word "harass" to the law. Harassment is ultimately prevented by shooting the dog. "Harass" already exists in livestock law in other states. He quoted Colorado law which is simpler than the proposed legislation here.

Burden of proof provisions were added in the House. Rep. Keller has experienced times when four or five local officials were called in to satisfy that burden of proof. The best proof is to have possession of the animal.

Rep. Keller offered an analogy concerning the concept of responsibility by comparing children and dogs. Since parents are held responsible for the care and whereabouts of their children, then pet owners should be held responsible for their animals.

ADJOURNMENT

Adjournment: The meeting adjourned at 1:45 p.m.

Jack "Doc" Rea
SENATOR REA, Chair

DAVID MARTIN, Secretary

JR/dm

ROLL CALL

SENATE COMMITTEE AGRICULTURE DATE 1-27

NAME	PRESENT	ABSENT	EXCUSED
REA	✓		
KOEHNKE	✓		
AKLESTAD	✓		
BECK	✓		
DEVLIN	✓		
BURNETT	✓		
HALLIGAN	✓		
PIPINICH	✓		
FORRESTER		✓	
Broski - Maus		✓	

FC8

Attach to each day's minutes

Senate written testimony the same as what was presented to the House Committee.

DATE 1-27-93

SENATE COMMITTEE ON AGRICULTURE

BILLS BEING HEARD TODAY: HB 58

Name (Please Print)	Representing	Bill No.	Check One: Support	Oppose
Stanley L. Pelton	self	HB58	✓	
G.B. Goodman	Self	HB 58	✓	
Dave Donaldson	self	HB58	✓	
DOROTHY PENECKE	SELF	HB58	✓	
Gary D. Graves	MWGA+MSGA	HB 58	✓	
Bill Myers	APA	HB 58	✓	
Sheryl Graves	self	HB58	✓	
Kent Rice	self	HB58		✓
Carlos Tapia	MWGA/MSGA	HB58.	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10

Closing by Sponsor:
Sen. Gage said that his first reaction is that he was dealing with a closed industry. The milk industry wishes to keep the status quo because it is to their benefit. The consumer is being hurt by this process.

Sen. Gage also admitted the Legislative Auditor's information was out of date, but the principles still remain valid. The prices in urban areas will always be lower than rural areas, regardless of product. Even though testimony has been brought forward that SB 254 would be devastating to Montana industries, Montana industries continue to survive.

Sen. Gage said, regarding bank loans on quotas, that the banking industry at present is not healthy. One problem is that they loan on escalated land values, ores which are now becoming valuable, and that loaning on the escalated values of assets is unwise. Sen. Gage said loans are being based on the ability to pay, i.e. cash flow. Having quota and a place to sell your product may have been used as collateral in the past, but banks know the operation and if you have quota.

Sen. Gage made an analogy comparing milk production to OPEC, the oil cartel which tries to control the price of oil. The difference is that OPEC is a voluntary group.

Sen. Gage concluded that it is strange Montana is involved in trying to control prices. Montana should not try to control prices, but rather let free market prevail. Good operators will survive and poor operators should not; that is the history of business. Sen. Gage said the educational aspect of learning about this milk pricing system was important.

EXECUTIVE ACTION ON HB 58

Motion: Sen. Aklestad moved that HB 58 BE CONCURRED IN.

Discussion: Sen. Halligan said that there will be floor discussion about the one-time occurrence provision.

Vote: The motion that HB 58 Be Concurred In CARRIED UNANIMOUSLY.

ROLL CALL

SENATE COMMITTEE AGRICULTURE DATE 1-29-93

NAME	PRESENT	ABSENT	EXCUSED
REA			✓
KOEHNKE	✓		
AKLESTAD	✓		
BECK	✓		
DEVLIN	✓		
BURNETT	✓		
HALLIGAN	✓		
PIPINICH	✓		
FORRESTER	✓		
BRUSKI-MAUS	✓		

FC8

Attach to each day's minutes

SENATE COMMITTEE OF THE WHOLE AMENDMENT

February 3, 1993 12:39 pm

Mr. Chairman: I move to amend House Bill No. 58 (second reading copy -- blue).

ADOPT

REJECT

Signed: Steve Doherty
Senator Steve Doherty

That such amendments read:

1. Title, line 6.
Following: "PENALTY;"
Insert: "INCREASING THE PENALTY FOR DOGGING LIVESTOCK;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "81-7-401,"
Insert: "AND 81-7-403,"

2. Page 1, line 25.
Following: "when"
Insert: "reasonably"

3. Page 2, line 1.
Following: "hours"
Insert: "of notification"

4. Page 2.
Following: line 9
Insert: "(5) This section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner."

5. Page 2.
Following: line 13
Insert: "Section 3. Section 81-7-403, MCA, is amended to read:
"81-7-403. Dogging livestock. Any person who permits or directs any dog owned by him or in his possession to chase or run any cattle or other livestock of which he is not the owner or the person in charge upon the open range or government lands or away from any watering place upon the open range is guilty of a misdemeanor and punishable by a fine of not more than ~~$50~~ $500.""

-END-

SENATE
HB 58

Amd. Coord.

r271239CW.Sma